

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RAYMOND MOLINA,

Plaintiff,

v.

Civ. No. 18-217 JAP/GJF

U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Defendants.

ORDER GRANTING MOTION FOR STAY OF DISCOVERY

This matter comes before the Court on Defendant United States’ “Motion for Stay of Discovery” (“Motion”), filed on May 10, 2019. ECF 32. Pursuant to Local Rule 7.4(a), Plaintiff had fourteen (14) days by which to file his response. D.N.M.LR-Civ. 7.4(a).

Rule 6 of the Federal Rules of Civil Procedure provides:

(a) Computing Time. The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) *Period Stated in Days or a Longer Unit.* When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

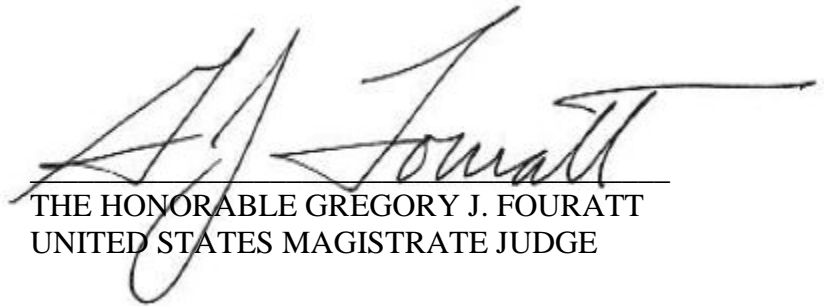
(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

FED. R. CIV. P. 6(a) (emphasis in original). Thus, in computing the fourteen-day period allowed for Plaintiff’s response, the Court omits the day on which the Motion was filed. The first counted day is therefore May 11, 2019. *See id.* From that day, Plaintiff’s fourteen-day response time expired on May 24, 2019.

Plaintiff filed no response by the deadline (nor in the twelve days since). And, under Local Rule of Civil Procedure 7.1(a), “[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion.” D.N.M.LR-Civ. 7.1(a). Thus, Plaintiff is deemed to have consented to the granting of the Motion.

Therefore, the Motion is **GRANTED**, and discovery is **STAYED** pending the presiding judge’s ruling on Defendant’s Motion for Summary Judgment [ECF 15].

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE